



**CITY COUNCIL
AND
REDEVELOPMENT AGENCY
AGENDA**

MARCH 8, 2010

REGULAR MEETING - 7:00 PM

COUNCIL CHAMBERS
3575 PACIFIC AVENUE
LIVERMORE, CA 94550

Regular City Council meetings are broadcast live on Channel 29 and videotaped for local television and for replay. For a schedule of City Council meeting replay airtimes or to access videos of previous meetings, log onto www.tv30.org.

HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

You can participate in the meeting in a number of ways:

Speaker Cards - If you wish to address the Council, you must complete a speaker card for each item about which you want to speak. The speaker card box is located in the Council Chambers lobby, on the table directly below the staff reports. Place your speaker card in this box behind the tab that corresponds to the agenda item number. Staff will collect the cards for each item immediately before the item is to be considered and gives the speaker cards to the Mayor. The Mayor will call speakers to the public lectern. No cards will be accepted once the presentation on that item has commenced.

Citizens Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of three minutes per person. The Mayor may reduce the amount of time based on the number of persons wishing to speak. You should be aware that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by questions from the City Council and a presentation by the applicant. The Mayor will then open the hearing to the public and offer an opportunity for public comments. You may take a maximum of three minutes to make your comments.

Other Agenda Items are also open for public input including *Consent Calendar or Matters for Consideration* items. These comments are also subject to the three minute limit.

Written Materials may be submitted by the public. If you wish your materials to be sent to the City Council prior to the City Council meeting, they must be submitted to the City Clerk's Office no later than noon on the Tuesday prior to the Monday meeting. Those items will be copied and sent to the City Council with the agenda packet. Materials submitted after noon on Tuesday will be copied and given to the City Council the night of the meeting; however, it is unlikely that the City Council will be able to read the materials before the start of the meeting. Therefore, it is suggested that you give a verbal summary of your materials at the meeting.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on the Thursday evening prior to the City Council meeting in all City libraries and at the City Clerk's Office. Copies may be obtained from the Clerk's Office and in the City Council Chambers lobby prior to the meeting. The Agenda is also available on the City's website, <http://www.ci.livermore.ca.us>.

Under Government Code §54957.5, any **supplemental material** distributed to the members of the City Council/Redevelopment Agency after the posting of this agenda will be available for public review in the City Clerk's Office, 1052 South Livermore Avenue, Livermore, and on the City's web site <http://www.ci.livermore.ca.us>.

If supplemental materials are made available to the members of the City Council/Redevelopment Agency at the meeting, a copy will be available for public review at the Council Chambers, 3575 Pacific Avenue, Livermore.

Pursuant to Title II of the Americans With Disabilities Act (Codified at 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, the City of Livermore does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or ACTIVITIES. to arrange an accommodation in order to

participate in this public meeting, please call (925) 960-4590 (voice) or (925) 960-4104 (tdd) at least 72 hours in advance of the meeting.

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**3575 PACIFIC AVENUE
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REGULAR MEETING

1. **CALL TO ORDER** 7:00 PM
 - 1.01 Roll Call Councilmember/Agencymember Marj Leider
Councilmember/Agencymember John Marchand
Councilmember/Agencymember Jeff Williams
Vice Mayor/Vice Chairperson Doug Horner
Mayor/Chairperson Marshall Kamena
 - 1.02 Pledge of Allegiance
2. **PROCLAMATIONS AND PRESENTATIONS**
 - 2.01 Proclamation declaring March 7-13, 2010 as Girl Scout week. [Document](#)
3. **CITIZENS FORUM**
 - *In conformance with the Brown Act, no City Council/Redevelopment Agency action can occur on items presented during Citizens Forum.*
 - *Please complete a speaker card. When the Mayor calls your*

name, walk to the lectern to address the City Council.

- *Speakers are limited to a maximum of three minutes per person. The Mayor may reduce the amount of time based on the number of persons wishing to speak.*
- *Citizens Forum will conclude after 30 minutes; however, if there are additional speakers, Citizens Forum will reconvene at 9:30 pm, or following the Public Hearings, whichever occurs first.*

4. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council/Redevelopment Agency with a single action. Members of the audience wishing to provide public input must complete a speaker card.

- 4.01 Approval of Minutes – February 22, 2010 City [Draft](#) Council/Redevelopment Agency meeting, and February 23, [Minutes](#) 2010 Special City Council Closed Session.

City Council

- 4.02 Adoption on second reading of an ordinance repealing the [Document](#) Livermore Planning and Zoning Code and adopting a Development Code, effective May 1, 2010 (General Zoning Code Text Amendment 07-382). (02-22-2010)
- 4.03 Adoption of second reading of an ordinance amending the [Document](#) Zoning District Map to be consistent with the new Development Code (General Zoning Code Map Amendment 09-597). (02-22-2010)
- 4.04 Adoption on second reading of an ordinance repealing Title [Document](#) 18 – Subdivisions, and Chapter 15.26 – Preservation and Cultural Heritage of the Livermore Municipal Code and amending references to the Planning and Zoning Code (Municipal Code Amendment 09-006). (02-22-2010)
- 4.05 Resolution authorizing execution of a Master Agreement [Staff](#) Administering Agency-State Agreement No. 00297S with the [Report](#)

California Department of Transportation for State-Funded Projects and authorizing the City Engineer to sign all future Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments with the State of California for State-Funded Projects.

- 4.06 Resolution rejecting Borg Redwood Fencing's bid as non-[Staff](#) responsive; authorizing supplemental appropriation of [Report](#) \$190,000 in unallocated Water Replacement Funds in Fiscal Year 2010-2011 to the Facility Fencing Project No. 2006-50; and authorizing execution of an agreement with Crusader Fence Co., Inc. in the amount of \$335,029 for construction of the Facility Fencing Project No. 2006-50.
- 4.07 Resolution declaring non-complying parcels a public nuisance [Staff](#) requiring abatement and directing staff to proceed with the [Report](#) 2010 Weed Abatement Program, and setting a public hearing date of April 12, 2010.
- 4.08 Resolution authorizing execution of a purchase order with [Staff](#) Hoblit Motors in an amount not to exceed \$133,300.21 for five [Report](#) replacement patrol cars.
- 4.09 Resolution authorizing execution of Grant Agreement No. AIP [Staff](#) 3-06-0123-20 with the Federal Aviation Administration in the [Report](#) amount of \$113,800 to fund the reprioritized Runway 7L/25R Overlay and Remarketing Project and authorizing the appropriation of \$113,800 in unallocated Airport FAA grant funds in Fiscal Year 2009-2010 to City Project No. 2010-27.
- 4.10 Resolution authorizing execution of Amendment No. 1 to the [Staff](#) agreement with Express Employment Professionals in an [Report](#) annual amount not to exceed \$210,000, to provide seasonal staffing services for the Landscape Maintenance section.
- 4.11 Resolution postponing the reconvening of the Public Art Fee [Staff](#) Task Force until 2011 and continuing the Art in Public Places [Report](#) Program as it currently exists.

Redevelopment Agency – None.

5. PUBLIC HEARINGS

City Council

- 5.01 Hearing to consider an appeal of a Planning Commission [Staff](#) decision to deny Conditional Use Permit Amendment/Design [Report](#) Review 08-012 for the installation of a wireless facility at Piazza Rubino. (Continued from 1/11/2010)

Location: 101 East Vineyard Avenue

Appellants: Verizon Wireless

On-site and off-site public improvements: None

Site Area: 6.18± acres

Zoning: Planned Development -Commercial (PD-C) 00-198

General Plan: Neighborhood Commercial (NC)

Historic Status: None

CEQA: Staff is recommending denial of the project. No CEQA review is required for project denial.

Application Number: Appeal 09-004

Recommendation: Staff recommends the City Council continue this item to the July 26, 2010 City Council meeting.

- 5.02 Hearing to consider State Housing and Community [Staff](#) Development Department requested revisions and adoption [Report](#) of the 2009 Livermore Housing Element.

Location: Citywide

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: Citywide

Zoning: Various

General Plan: Various

Historic Status: None

CEQA: A Negative Declaration under the provisions of the California Environmental Quality Act will be considered.

Application Number: General Plan Amendment 08-004

Recommendation: The Planning Commission and staff recommend the City Council adopt a resolution amending the Livermore General Plan to adopt the 2009 Housing Element (General Plan Amendment 08-004) and certifying the environmental document.

- 5.03 Hearing to consider amendments to section 18.32.035, [Staff Affordable Housing](#), and Chapter 3.26, Affordable Housing [Report Fee](#), of the Municipal Code. The proposed revisions will modify the review process for alternative means to satisfy the inclusionary requirement and clarify the inclusionary requirements for rental-unit projects.

Location: Citywide

Applicant: City of Livermore

On-site and off-site public improvements: None

Site Area: Citywide

Zoning: Various

General Plan: Various

Historic Status: None

CEQA: The project is exempt under the general rule provision of the California Environmental Quality Act (CEQA) (section 15061(b)) which states that where it can be seen with certainty that there is no possibility the activity will have a significant effect on the environment, the activity is not subject to CEQA.

Application Number: Municipal Code Amendment 10-001

Recommendation: Staff recommends the City Council introduce an ordinance amending Municipal Code section 18.32.035 – Affordable Housing, and portions of Chapter 3.26 – Affordable Housing Fees; and adopt a resolution approving the environmental determination.

- 5.04 Hearing to consider a request to subdivide an existing parcel [Staff](#) into seven lots ranging in size from 3,461± square feet to [Report](#) 7,195± square feet for the construction of seven townhouse residential units. A new private street off College Avenue will provide access to the units. Seven existing residential units will be demolished for the redevelopment of the site.

Location: 2593-2625 College Avenue

Applicant: Joe Armtrout

On-site and off-site public improvements: Connection to public utilities in the College Avenue right-of-way; new driveway off College Avenue

Site Area: 38,036± square feet

Zoning: Planned Development (PD)

General Plan: Urban High Residential (UH-2)

Historic Status: None

CEQA: This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, In-Fill Development Projects.

Application Numbers: Tentative Tract Map 8030 (Subdivision 08-009); Site Plan Approval/Design Review 08-006

Recommendation: The Planning Commission and staff recommend the City Council adopt a resolution approving Vesting Tentative Tract Map 8030 (Subdivision 08-009) and Site Plan Approval/Design Review 08-006.

Redevelopment Agency – None.

6. MATTERS FOR CONSIDERATION

City Council

- 6.01 Discussion and direction regarding City Council appointments [Document](#) to Intergovernmental Agencies.
- 6.02 Resolution approving adjustments to the Golf Course [Staff Report](#) Programs and Fees for the Las Positas Golf Course.

Recommendation: The Golf Course Greens Committee and staff recommend the City Council adopt a resolution approving the Golf Course Programs and Fees for Las Positas Golf Course for the period of April 1, 2010 through March 31, 2011.

- 6.03 Discussion and direction regarding proposed changes to the [Staff Report](#) 2002 Agreement with Republic Services Vasco Road, LLC for Disposal of Solid Waste.

Recommendation: Staff recommends the City Council direct staff to negotiate an amendment to the 2002 Agreement with Republic Services Vasco Road, LLC to include a \$4.53 per ton Livermore Waste Equalization Charge for non-franchised, non residential waste; and remove the self-haul discount for Livermore residents.

- 6.04 Results of the 2010 National Citizen Survey™ and the Fiscal Year [Staff Report](#) 2010-2012 City Council Goals and Priorities.

Recommendation: This report is for information only; no action is required.

- 6.05 Discussion and direction regarding the formation of two non-profit corporations as part of the recently designated [Staff Report](#) Innovation for Green Advanced Transportation Excellence (i-GATE) Innovation Hub (iHub).

Recommendation: Staff recommends the City Council provide direction.

- 6.06 Discussion and direction regarding Alameda County's [Staff Report](#) approval of a 20,000± square foot commercial dog and cat boarding facility on land designated as Resource Management in Measure D.

Recommendation: Staff recommends the City Council provide direction.

- 6.07 Discussion and direction regarding pending State or Federal [Staff Report](#) legislation.

Note: Bills affecting local government operations may be discussed if they were introduced or amended after posting of the Agenda.

Redevelopment Agency – None.

7. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS

- 7.01 Council Committee Reports and Matters Initiated by City [Document](#) Manager, City Attorney, Staff, and Councilmembers.

8. ADJOURNMENT – To a regular City Council/Redevelopment Agency meeting on March 22, 2010 at 7:00 pm, Council Chambers, 3575 Pacific Avenue, Livermore.

SUPPLEMENTAL MEMO #1

[Document](#)

SUPPLEMENTAL MEMO #2

[Document](#)